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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 2 July 2013 from the Permanent Mission of the Philippines to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of the Philippines to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and, with reference to the latter's letter dated 27 February 2013, has the honour to transmit the updated information on the steps taken by the Government of the Republic of the Philippines to ensure the implementation of measures stipulated in Security Council resolution 1540 (2004), adopted on 28 April 2004 (see annex).

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Annex to the note verbale dated 2 July 2013 from the Permanent Mission of the Philippines to the United Nations addressed to the Chair of the Committee

Steps taken by the Government of the Philippines to ensure the implementation of measures stipulated in Security Council resolution 1540 (2004)

1. Chemical Weapons Prohibition Act

As a State party to the Chemical Weapons Convention, the Philippines is in the process of finalizing the Chemical Weapons Prohibition Act of 2012, known as "An Act Prohibiting the Development, Production, Stockpiling, Use of Chemical Weapons and on Their Destruction and Providing Penalties Therefor and for Other Purposes". The draft legislation is now pending review.

2. Developing counter-terrorism capacity

The Philippine Coast Guard is taking specific measures to curb terrorism through the following activities:

- Continuous deployment of sea marshals composed of Armed Forces of the Philippines/Philippine National Police/Philippine Coast Guard personnel on high-interest vessels sailing between the Visayan/Mindanao regions and Luzon (Manila).
- Use of Philippine Coast Guard K-9 units to search for bombs, firearms and illegal drugs concealed inside baggage and cargo containers as a pre-departure measure in ports and as a continuing security measure on board the vessel while it is under way.
- Training the Coast Guard Antiterrorism Unit to act as a rapid deployment force in the areas of antiterrorism, anti-piracy/sea jacking and explosive ordnance disposal.
- Deployment of the Surface Task Force, which consists of four 56-m search and rescue vessels, four 35-m patrol vessels and ten 30-m and four 7-m surveillance vessels, over a wide area to maximize presence while retaining the ability to converge in actual crisis incidents in order to achieve the highest level of response.
- Deployment of the Air Group (airborne assets) to support the Surface Task Force. It is equipped with fixed-wing islander aircrafts and helicopters and provides active maritime surveillance and early detection.
- Continuing and expanded intelligence training programmes through its own intelligence training facility and through cross-training with the armed forces and the national police.

Antiterrorism and core facility training courses and seminars were also conducted by nationals of Japan, the United Kingdom and the United States, in coordination with counterparts from the Philippines. Capacity-building for terrorism was also conducted by the United States.

3. Facilities upgrade

There is a proposal to upgrade the facilities of the Research Institute for Tropical Medicine to a biosafety level 3 laboratory, to be funded by the Japan International Cooperation Agency.

The United States Department of Energy/National Nuclear Security Administration, through the programme under the Global Threat Reduction Initiative, is assisting the Government of the Philippines, through the Philippine Nuclear Research Institute, in providing physical protection upgrades at all radiation facilities using high-risk radioactive sources (category 1). The Global Threat Reduction Initiative project will also extend the security upgrades to category 2 sources, especially industrial radiography.

The United States Department of Energy/National Nuclear Security Administration, through the Oak Ridge National Laboratory, put up the Transport Control Communication Centre at the Philippine Nuclear Research Institute. The Centre will monitor, control and coordinate the movement of category 1 and 2 sources within the country. A vehicle equipped with tracking and other security systems was provided to complement the Centre.

4. Human Security Act of 2007 (amendments)

In order to make the Human Security Act of 2007 a more effective tool in the fight against terrorism, a technical working group under the leadership of the Philippine Antiterrorism Council met recently to amend the Act. Supported by the United Nations Office on Drugs and Crime (UNODC), the meeting attendees discussed the definition of terrorist offences, the design of practical and accountable investigation techniques and the changes to the Human Security Act to fulfil the Philippines' obligations under international law. The proposed amendments to the Act have been duly consolidated, and the Act was included in the Legislative-Executive Development Advisory Council.

In addition, the amendments will provide penal provisions under the International Convention for the Suppression of Acts of Nuclear Terrorism and the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material.

5. Megaports Initiative project

The Government of the Philippines, through the Bureau of Customs, Asian Terminals, Inc., the Philippine Nuclear Research Institute and International Container Terminal Services, Inc., with the assistance of the Government of the United States of America, initiated this project to address concerns in the prevention of illegal trafficking in nuclear and other radioactive materials. It involves the installation of radiation portal monitors at specific places of major ports in the Philippines (North and South harbours and the port of Cebu) and the establishment of a central alarm station monitoring unit manned round the clock on a three-shift rotation by the Enforcement and Security Service personnel of the Bureau of Customs. This equipment will detect nuclear and other radioactive materials in cargo and containers passing through the ports. The Bureau also participated in a training seminar on radiation handling in Italy, and a technical working group was formed to establish a national training committee.

The Philippine Nuclear Research Institute, in cooperation with the United States Department of Energy/National Nuclear Security Administration, conducted a megaports awareness seminar for management to the senior management of the Cebu Port Authority and the Bureau of Customs and an operational readiness training course to the designated central alarm station operators.

6. National single window project

The national single window project is an ongoing project involving a computerized Internet-based system that allows entities involved in trade to lodge information and documents with a single entry point to fulfil all import-, export- and transit-related regulatory requirements. There are about 40 government agencies involved in the issuance of import and export licences, permits and clearances for trade facilitation over Philippine borders that will provide the agencies with the ability to share and counter-check information online.

7. National Coast Watch System

The National Coast Watch System was established by virtue of Executive Order 57, issued by the President of the Philippines, Benigno S. Aquino III, on 6 September 2011. The System aims to serve as the central inter-agency mechanism for a coordinated and coherent approach on maritime issues and maritime security cooperation towards enhancing governance of the country's maritime domain. The System is vital in protecting the maritime domain and in preventing the trafficking and proliferation of weapons of mass destruction pursuant to the Proliferation Security Initiative.

The National Coast Watch Council is the central inter-agency body that oversees the implementation of the National Coast Watch System and provides strategic direction for multinational and cross-border cooperation on maritime domain awareness and security.

The Government of the Philippines is currently strengthening the operational procedures for the National Coast Watch System through upgrades in facilities and equipment with a view to more effective government-wide maritime domain awareness and security.

8. National policy on laboratory biosafety and security

At the national level, the Department of Health, the Research Institute for Tropical Medicine and the Bureau of Animal Industry continue to exercise heightened vigilance in the conduct of surveillance of emerging and re-emerging infectious diseases.

The Department of Health has initiated the development of a joint administrative order with the Department of Agriculture and the Bureau of Animal Industry on a national policy on laboratory biosafety and biosecurity. The objective is to establish a strategic framework for the implementation of a national programme on laboratory biosafety and biosecurity.

Under the stewardship of the Department of Health, a manual on standards and a manual on guidelines and procedures on laboratory biosafety and biosecurity have already been published and disseminated. The Department of Health also published an assessment tool on safe hospitals for disaster preparedness and response, with a

chapter devoted to the safety and security of hospital laboratories. Recently, the Department of Health issued an administrative order on the framework for health sector response to terrorism to provide guidelines for responding to acts of terrorism that includes the aspect of laboratory biosafety and biosecurity.

9. National security policy 2011-2016

A national security policy, which is a statement of principles that should guide national decision-making and determine the course of action to be taken with a view to the protection and enhancement of the nation's interests, the well-being of the Filipino people and institutions, sovereignty and territorial integrity, has been developed. The purpose of the national security policy is to identify the strategic priorities to establish the correct balance in the "guns or butter" debate for the allocation of scarce resources and to establish priority, among others, between external and internal defence.

10. Philippine Biosafety and Biosecurity Association, Inc.

One of the main objectives of the Association is to assist government agencies in developing a national policy and implementation plan for biosafety and biosecurity. In line with promoting biosafety and biosecurity, key agencies, such as the Research Institute for Tropical Medicine, the Bureau of Animal Industry, the Philippine Animal Health Centre and the University of the Philippines Manila have undergone security upgrades. They are also currently formulating a national policy on laboratory biosafety and biosecurity.

The Philippines participated in an advanced biosafety officers training course conducted by the University of the Philippines Manila Institutional Biosafety Committee in partnership with the United States Department of State Biosecurity Engagement Programme and the Association.

11. Philippine Nuclear Research Institute updates on the Integrated Nuclear Security Support Plan

The Global Threat Reduction Initiative of the United States Department of Energy is a comprehensive global initiative to address the issue of nuclear security around the world and reduce the threat of nuclear terrorism. During this period, the Philippine Nuclear Research Institute, under the supervision of the International Atomic Energy Agency (IAEA), updated the Integrated Nuclear Security Support Plan.

The Philippine Nuclear Research Institute, with the assistance of an IAEA expert, conducted a two-day meeting with other relevant government agencies to review and update the Integrated Nuclear Security Support Plan for further implementation of nuclear security activities in the Philippines from 2013 to 2015. Additional activities were identified for immediate implementation with the donors.

12. Revised Armed Forces of the Philippine Modernization Law (Republic Act 10349)

The Revised Armed Forces of the Philippine Modernization Law (Republic Act 10349) seeks to further upgrade the armed forces' defence capabilities for the

country's protection and security as they shift from internal to external defence capability.

The Law aims to improve the country's defence posture by upgrading capabilities in the areas of maritime situational awareness, credible deterrence and maritime cooperation.

The Department of National Defence has programmed acquisitions of modern equipment aimed at enhancing the country's National Coast Watch System under the military's capability upgrade and modernization programme.

13. Inventory of military equipment and materials

The Department of National Defence keeps an inventory of all military equipment and material to ensure that all weapons are accounted for and the procured items are with authorized end users. The Government Arsenal is currently working on acquiring machines to serialize its ammunitions. Pursuant to new guidelines from the armed forces, all ammunitions from 20-mm calibre and up will be serialized. The armed forces are also in the process of establishing a weapons ammunition management information system, which is a centralized electronic database system for all munition assets of the armed forces.

14. Ships and port security plans

The Philippine Coast Guard is in charge of enforcement of the provisions of the International Ship and Port Facility Security Code. This has given it the opportunity to keep a systematic record of the vulnerabilities of various vessels and ports, which are relevant inputs in coordinating responses to future crisis by Government and private security forces. As part of its International Ship and Port Facility Security Code-related functions, Philippine Coast Guard elements assist with the following activities pertaining to port security: (a) review and approve port security assessments; (b) review and approve port security plans; (c) conduct on-screen security surveys; and (d) conduct random audits of ports to ensure continuous compliance with standards. As regards ship security, the Philippine Coast Guard assists with the following International Ship and Port Facility Security Code-related tasks: (a) on-scene ship security surveys; and (b) random audits of ships to ensure continuous compliance with standards.

Part of the Philippine Coast Guard participation in the implementation of the International Ship and Port Facility Security Code in accordance with resolution 1540 (2004) is the performance of its port State control functions. The Port State Control Officer determines the compliance of the vessel with security aspects contained in two separate check-off lists pertaining to access controls, handling and monitoring of ship stores, identification of restricted areas and others. The Port State Control Officer also determines the validity of: (a) the International Ship Security Certificate on board; (b) security levels being implemented; (c) compliance of ships in conducting security drills; and (d) efficiency in communication between and among the crew. The Port State Control Officer always pays particular attention to the last 10 ports of call of the ship under inspection; to interface records, which must state the security level at which the ship operated; to any special or additional security measures enforced; and that appropriate ship security measures were maintained during any ship activity.

Corollary to the International Ship and Port Facility Security Code, the Philippines has existing border crossing and border patrol agreements with Malaysia and Indonesia. These agreements enable the Philippines to pursue border security cooperation with its neighbours, in particular in preventing the smuggling of illicit goods, including unauthorized weapons.

15. Strategic Trade Management Act

The Philippines is working on legislation known as the Strategic Trade Management Act. Its formal title is "An Act to Prevent the Proliferation of Weapons of Mass Destruction, as well as Conventional Weapons, by Regulating the Transfer of Strategic Goods and for Other Purposes". The draft legislation will be submitted to the Sixteenth Congress of the Philippines for its consideration.

The Philippines recognizes the importance of a legal framework in curbing the proliferation of weapons of mass destruction, particularly the trading of dual-use goods, without unnecessarily restricting legitimate trade. The draft Strategic Trade Management Act would be critical in addressing the issue of so-called black markets, where unauthorized actors can obtain weapons of mass destruction or their components.

16. X-ray inspection programme

At present, the Bureau of Customs has acquired 30 Nuctech container X-rays and several smaller X-rays under its X-ray inspection project, a non-intrusive container inspection project of the Office of the Commissioner, with the Commissioner as the overall project head to be assisted by an executive assistant and a project point person, who will oversee the operational and administrative functions of the project. The project is a key measure to detect smuggled goods — to conduct X-ray scanning operations on all incoming and outgoing shipments in consonance with trade facilitation, with a view to the prevention of contraband and antisocial goods while increasing revenue.

International commitments/obligations related to resolution 1540 (2004)

1. Activities on the Biological Weapons Convention

The Philippines attaches importance to strengthening the implementation of the Biological Weapons Convention and has been actively engaged in advancing biosecurity and biosafety cooperation in the Asia-Pacific region. Regional synergy and cooperation within the Association of Southeast Asian Nations (ASEAN) and the ASEAN Regional Forum, as well as the country's relations with strategic partners, such as the United States, Australia and the European Union, have significantly advanced the vision and objectives of the Convention. ASEAN is committed to the establishment of an ASEAN political security community by 2015, and chemical, biological, radioactive and nuclear issues have become an important part of the agenda. The Philippines, in partnership with Australia and the United States, has hosted annual workshops within the ambit of the ASEAN Regional Forum on the themes of biological threat reduction, biorisk management, disease surveillance and detection, preparedness and response from 2009 to 2012. These workshops brought together vital stakeholders, such as biosafety professionals,

medical and veterinary practitioners and policymakers from the 10 member countries of ASEAN and 13 countries from the Asia-Pacific and the European Union.

2. Activities on the Treaty on the Non-Proliferation of Nuclear Weapons

The Philippines, through Ambassador Libran N. Cabactulan, was President of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which is regarded as one of the most successful Review Conferences in the history of the Treaty and resulted in a 64-point action plan on the three pillars of the Treaty, as well as an agreement on the 1995 Resolution on the Middle East. The Philippines continues to adhere to its Treaty obligations.

3. Bilateral agreement with the Netherlands

The Philippines has concluded a bilateral agreement with the Netherlands establishing a legal basis for rendering assistance and exchange of information between the two countries to help ensure the proper application and enforcement of customs laws so as to prevent transnational crimes between the Philippines and the Netherlands.

4. Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence

The Philippines, in coordination with the European Union and the United Nations Interregional Crime and Justice Research Institute, officially launched the Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence regional secretariat on 6 May 2013. The Centres of Excellence are an initiative of the European Union jointly implemented by the United Nations Interregional Crime and Justice Research Institute and the European Commission Joint Research Centre that aims to implement a coordinated strategy for chemical, biological, radiological and nuclear risk mitigation at the national, regional and international levels. The Centres of Excellence initiative supports the reinforcement of the Institutional capacity needed to fight against the risk.

5. Customs agreement between Israel and the Philippines

Israel and the Philippines entered into an agreement that sets parameters for the exchange of information and knowledge that will facilitate trade, aid in investigations and reciprocal enforcement actions to prevent customs offences.

6. Moscow-Manila Agreement

The Moscow-Manila Agreement was signed at simple rites at the Manila Hotel on 24 April 2012. The Agreement would initiate information exchange for the benefit of the countries and provide assistance in the areas of trade statistics, customs law enforcement, human resource development, technical know-how and trade facilitation.

7. Proliferation Security Initiative

The Philippines is a partner nation in the Proliferation Security Initiative, which seeks to establish a more coordinated and effective approach in dealing with the trafficking of weapons of mass destruction, their delivery systems and related items.

8. Ratification of the IAEA Additional Protocol

In February 2010, the Philippines ratified the IAEA Additional Protocol. The essence of the Additional Protocol is to reshape the IAEA safeguards regime from a quantitative system focused on accounting for known quantities of materials and monitoring declared activities to a qualitative system aimed at gathering a comprehensive picture of a State's nuclear and nuclear-related activities, including all nuclear-related imports and exports. The Additional Protocol also substantially expands the ability of IAEA to check for clandestine nuclear facilities by providing the Agency with authority to visit any facility, declared or not, to investigate questions about or inconsistencies in a State's nuclear declarations. States parties to the Treaty on the Non-Proliferation of Nuclear Weapons are not required to adopt an additional protocol, although IAEA is urging all to do so.

9. Security in the transport of radioactive material

The Philippine Nuclear Research Institute has developed part 27 of its Code of Regulations, "Security requirements in the transport of radioactive material", with assistance from the United States Department of Energy/National Nuclear Security Administration and the Oak Ridge National Laboratory. Part 27 of the Code aims to ensure that the security of radioactive materials during transport is adequately addressed by transport operators, agents and concerned authorities and, in doing so, prevent illegal diversion, trafficking, theft and/or sabotage of such materials during transport. The National Nuclear Security Administration also provided assistance in the conduct of training on transport security for regulators and radioactive material licence holders.

Training received from international partners related to resolution 1540 (2004)

1. Training Programme for Collaborative Intelligence, Investigation and Prosecution of Terrorism-Related Cases

The Training Programme for Collaborative Intelligence, Investigation and Prosecution of Terrorism-Related Cases has been undertaken as part of the Philippines-UNODC partnership on the Programme on Strengthening Criminal Justice Responses to Terrorism.

Its specific objectives are:

- To enhance the collaboration of key officials in the field of intelligence, investigation and prosecution for effective prosecution of terrorism-related cases
- To provide a better understanding and awareness among officials in the law enforcement, security and prosecution sectors of the functions of intelligence, investigation and prosecution functions and on how those functions provide value in the successful prosecution of terrorism-related cases

It has undertaken the following projects/activities:

- Development of a training manual for collaborative intelligence, investigation and prosecution of terrorism-related cases, which will serve as a standard reference/guide in the conduct of training

- Establishment of a pool of trainers for future training roll-outs in priority regions through the undertaking of a training-of-trainers project in February 2013
- Conduct of a training course in collaborative intelligence, investigation and prosecution of terrorism-related cases in May 2013 for key officials in regions IX and XII from the law enforcement, security and prosecution sectors who are performing intelligence, investigation and prosecution functions

Future training roll-outs will be conducted in other regions through the adoption of a mechanism that would ensure the Programme's sustainability.

2. Commodity Identification Training

The Office of the Special Envoy on Transnational Crime, with the assistance of the United States Department of Energy, has developed the Commodity Identification Training Programme, which will be integrated in the regular training programmes of law enforcement academies. It aims to assist in preventing the proliferation of weapons of mass destruction and their delivery systems by training customs officers in inspecting shipments to identify commodities, materials and equipment used in the design, development and production of nuclear, biological and chemical weapons of mass destruction, as well as missile delivery systems.

3. Training of vessel traffic management systems operators

On-the-job training on vessel traffic management systems was conducted for personnel of the Philippine Ports Authority and the Philippine Coast Guard from March to October 2010. The training programme provided the participants with knowledge and skills on their operational procedures concerning the vessel traffic management systems' operation, measures of reporting of incidents on pollution, piracy and smuggling search and rescue operations by the Philippine Coast Guard and other matters that require immediate decision-making.

4. Explosive ordnance disposal training

Through training programmes, the United States State Department's antiterrorism assistance programme has strengthened the counter-terrorism capacity of the national police. This includes establishing facilities for explosive ordnance disposal training and a forensics laboratory used by police for post-blast investigations. Explosive ordnance disposal training was conducted on 30 April 2012.

5. Philippine Border Management Project

European Union trade-related technical assistance, in cooperation with several Philippine government agencies, established the Philippine Border Management Project, which contributes to the efforts of the Philippines to enhance its border management capabilities.

6. Subprogramme on counter-terrorism: East and South-East Asia partnership on criminal justice responses to terrorism

Since 2003, UNODC has been providing specialized assistance to countries, including South-East Asia, on the criminal justice aspects of counter-terrorism. With the aim of enhancing country-specific focus, in 2011 UNODC initiated an East and South-East Asia partnership on criminal justice responses to terrorism, with

emphasis on implementation capacity-building at the national level. The subprogramme aims to assist countries in the region in achieving the effective implementation of rule of law-based criminal justice responses to terrorism. For this purpose, it seeks to provide assistance to requesting countries in:

- Establishing a national counter-terrorism legal framework in accordance with international instruments
- Improving the capacity of the national criminal justice system to implement rule of law-based counter-terrorism measures
- Undertaking transnational cooperation in criminal justice and related aspects of counter-terrorism

The Government of the Philippines and UNODC have formalized a partnership collaboration on counter-terrorism, under the framework of the South-East Asia partnership on criminal justice responses to terrorism. Under its strengthened partnership with the Philippines, UNODC supported legislative modifications relating to the main national counter-terrorism law (the Human Security Act of 2007), the financing of counter-terrorism, extradition and mutual legal assistance. These initiatives will bring together key national entities.

7. Chemical, biological, radioactive and nuclear explosives training

The Government of Canada has been sponsoring a chemical, biological, radioactive and nuclear explosives course in the Philippines since 2010. A total of 77 personnel from the Armed Forces of the Philippines, the Philippine National Police, the Philippine Coast Guard and the Bureau of Fire Protection participated in the course held from 11 to 13 March 2013.

8. Radiological security training

Since 2011, the Philippine Nuclear Research Institute, in cooperation with the United States Department of Energy/National Nuclear Security Administration, has conducted radiological security incident training to enhance the capability and effectiveness of the national police in responding to incidents involving theft or sabotage of radioactive sources. This is in line with the Philippine Nuclear Research Institute-United States Department of Energy project under the Global Threat Reduction Initiative.

The Second Line of Defence Programme of the United States is planning to provide a mobile detection system to the Philippine National Police.

9. Border training under the European Commission Joint Research Centre

The European Commission Joint Research Centre, with the United States partner in the Megaports Initiative project, will install a radiation portal monitor at the Philippine Nuclear Research Institute for the training of front-line officers. Handheld detection equipment will also be deployed for use in the training. The project provides training to Philippine Nuclear Research Institute instructors through participation in training courses in Ispra, Italy.